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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/759,272	01/20/2004	Chuan-Kung Hou	3313-1097P	6843
2292 7590 08/28/2007 BIRCH STEWART KOLASCH & BIRCH PO BOX 747 FALLS CHURCH, VA 22040-0747			EXAMINER WANG, KENT F	
			ART UNIT 2622	PAPER NUMBER
			NOTIFICATION DATE 08/28/2007	DELIVERY MODE ELECTRONIC

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Notice of the Office communication was sent electronically on above-indicated "Notification Date" to the following e-mail address(es):

mailroom@bskb.com

Office Action Summary

Application No.

10/759,272

Applicant(s)

HOU, CHUAN-KUNG

Examiner

Kent Wang

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 06/15/2007.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-4, 7-13, 15 and 17-19 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-4, 7-13, 15 and 17-19 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
 - ☐ Certified copies of the priority documents have been received in Application No. _____.
 - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO/SB/08)
Paper No(s)/Mail Date _____
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____
- 5) ☐ Notice of Informal Patent Application
- 6) ☐ Other: _____

DETAILED ACTION

Response to Amendment

1. The amendments, filed on 06/15/2007, have been entered and made of record. Claims 1-4, 7-13, 15, and 17-19 are pending.

Response to Arguments

2. Applicant's arguments with respect to claims 1-4, 7-13, 15, and 17-19 have been considered but are moot in view of the new ground(s) or rejection.

Claim Objections

3. Claim 1 is objected to because of the following informalities: On line 4 of page 5, it stated that "...which has an open end and a closed, the closed end..." The "the closed" should be delete and change to as "...which has an open end and a closed end..." Appropriate correction is required.

Claim Rejections - 35 USC § 102

4. The text of those sections of Title 35, U.S. Code not included in this action can be found in a prior Office action.
5. Claims 12-13 and 15 are rejected under 35 U.S.C. § 102(e) as being anticipated by Lee, US 2004/0097258.

Regarding claim 12, Lee discloses a video/audio combo device adopted for use on a portable electronic data processing device (portable terminal), comprising:

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- a housing shell (a center hinge arm 26, Fig 2) located in the portable electronic data processing device (portable terminal) having a viewfinder window and housing a picture-taking element which corresponds to the viewfinder window (a camera lens provided at a location of the center hinge arm; Fig 2 and [0014]);
- a first cap (speaker cover 32, Figs 2, 8) having an axle formed thereon and a first audio exit port (a first opening 321, Fig 8) formed thereon wherein the axle is pivotally (a hinge axis A, Fig 2) coupled on the one side of the portable electronic data processing device (portable terminal) (Fig 8 and [0032], [0034]);
- a first sound-generating element (side speaker S1, Fig 8) disposed in the first cap (speaker cover 32) and corresponding to the first audio exit port (first opening 321, Fig 8), the first cap (speaker cover 32) serving as a first resonant space (empty space 113, Fig 12) for the first sound-generating element (side speaker S1) (Fig 8 and [0041], [0042], [0047], and [0049]);
- a second cap (speaker cover 34, Figs 2, 8) having another axle and a second audio exit port (a first opening 321, Fig 8), wherein the axle of the second cap (speaker cover 34) is coupled on the other side of the portable electronic data processing device (portable terminal) (Fig 8 and [0032], [0034]); and
- a second sound-generating element (side speaker S2, Fig 8), disposed in the second cap (speaker cover 34) and corresponding to the second

audio exit port (first opening 321), the second cap (speaker cover 34) serving as a second resonant space (empty space 113, Fig 12) for the second sound- generating element (side speaker S2) (Fig 8 and [0041], [0042], [0047], and [0049]).

Regarding claim 13, Lee discloses the portable electronic data processing device is selected from the group consisting of personal digital assistants, handheld computers, notebook computers and mobile phones (a portable terminal, a phone; [0013]).

Regarding claim 15, Lee discloses the housing shell is located in the portable electronic data processing device in a turnable manner (rotated away from or towards the phone body; [0013]).

Claim Rejections - 35 USC § 103

6. Claims 1-4, 8-11, and 17-19 are rejected under 35 U.S.C. § 103(a) as being unpatentable over Lee in view of Sato, US 2004/0023684.

Regarding claim 1, note the discussion of Lee claim 12 above. Lee does not teach the video/audio combo device adopted for use on a portable electronic data processing device, comprising a housing shell being substantially a hollow cylindrical member which has an open end and a closed end and a picture-taking element located in the housing shell. However, Sato teaches the video/audio combo device adopted for use on a portable electronic data processing device (information terminal with a camera having a rotating function, [0009]), comprising:

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- a housing shell (a hinge portion 3, Fig 1) being substantially a hollow cylindrical member (shape of a cylinder, [0030]), which has an open end (second rotating portion 42) and a closed end (second rotating portion 52), the closed end having axle (first rotating portion 41, Fig 3) formed thereon, the open end being coupled with a cap which has a cap axle (a tubular portion 62C, Figs 3-4) formed thereon, such that the housing shell (hinge portion 3) is located in the portable electronic data processing device in a turnable manner (rotating function and imparting a direction-of-axis force) through the axle and the cap axle ([0009], Sato); and
- a picture-taking element (an imaging unit 6, Fig 6) located in the housing shell (a hinge portion 3) connecting electrically to the portable electronic data processing device (information terminal with a camera having a rotating function, [0026], Sato).

It would have been obvious to one of ordinary skill in the art at the time this invention was made to have used a hinge unit as taught by Sato as modified by Lee so that it makes possible to achieve the claimed invention. As disclosed in Sato reference, the motivation for the combination would be to provide with an arrangement for imparting a direction-of-axis force in a thrusting direction of a video/audio combo device ([0009], Sato).

Regarding claim 2, Sato teaches the portable electronic data processing device is selected from the group consisting of personal digital assistants, handheld computers,

notebook computers and mobile phones (portable telephone to which a portable terminal apparatus with a camera, [0026], Sato).

Regarding claim 3, Lee teaches the housing shell has a viewfinder window and at least one audio exit port (a first opening 321, Fig 8 and [0041], Lee).

Regarding claim 4, Sato teaches the housing shell (a hinge portion 3, Fig 1) is fixedly located in the portable electronic data processing device (portable telephone to which a portable terminal apparatus with a camera, [0026], Sato).

Regarding claim 8, Lee teaches the audio exit port (a first opening 321, Fig 8 and [0041], Lee) is located on the closed end of the housing shell (a center hinge arm 26, Fig 2, Lee).

Regarding claim 9, Sato teaches the picture taking element includes a photosensitive element (CCD), a lens (lens 60, Fig 3) and a connection line (connecting member 71, Fig 3) (Fig 3 and [0038]-[0042], Sato).

Regarding claim 10, Sato teaches the photosensitive element is selected from the group consisting of Charge Coupled Devices (CCD) ([0038], Sato).

Regarding claim 11, the limitations of claim 1 are taught above, Lee does teach that the camera has a pair of speakers that providing stereo sound. While Lee does not teach the use of Mylar speakers, Official Notice is hereby taken that it would have been obvious to one of ordinary skill in the art to have included any speakers with a thin diaphragm and suspended between two screens or perforated metal sheets, and thus producing high frequencies from the high pitched sounds.

Regarding claim 17, this claim recites same limitations as claim 9. Thus it is analyzed and rejected as previously discussed with respect to claim 9 above.

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Regarding claim 18, this claim recites same limitations as claim 10. Thus it is analyzed and rejected as previously discussed with respect to claim 10 above.

Regarding claim 19, this claim recites same limitations as claim 11. Thus it is analyzed and rejected as previously discussed with respect to claim 11 above.

7. Claim 7 is rejected under 35 U.S.C. § 103(a) as being unpatentable over Lee in view of Sato and further in view of Kim US 2003/0064685.

Regarding claim 7; note the discussion of Lee claim 1 above. Lee does not teach the audio exit port is located on the perimeter surface of the housing shell. However, Kim teaches the audio exit port is located on the perimeter surface of the housing shell (a speaker unit 112 is disposed at the upper portion 102, [0034], Kim).

It would have been obvious to one of ordinary skill in the art at the time this invention was made to have used a speaker unit as taught by Kim in Lee's apparatus so that it makes possible to achieve the claimed invention. As disclosed in Kim reference, the motivation for the combination would be to have the speaker disposed at the upper portion so the direct output sound wave in direction toward the listener ([0034], Kim).

Conclusion

8. Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

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A shortened statutory period for reply to this final action is set to expire **THREE MONTHS** from the mailing date of this action. In the event a first reply is filed within **TWO MONTHS** of the mailing date of this final action and the advisory action is not mailed until after the end of the **THREE-MONTH** shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than **SIX MONTHS** from the date of this final action.

9. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Kent Wang whose telephone number is 571-270-1703. The examiner can normally be reached on 8:00 A.M. - 5:30 PM (every other Friday off).

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Ngoc-Yen Vu can be reached on 571-272-7320. The fax phone number for the organization where this application or proceeding is assigned is 571-270-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like

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assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

KW

Aug 17 2007

A handwritten signature in black ink, appearing to read 'Ngoc-Yen Vu', with a long horizontal line extending to the right.

NGOC-YEN VU
SUPERVISORY PATENT EXAMINER